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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,493	01/21/2000	TOSHIYUKI MORII	P18963	5153

7590 07/08/2002

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RESTON, VA 20191

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 07/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/462,493

Applicant(s)

MORII ET AL

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 11-12 and 15 rejected under 35 U.S.C. 102(e) as being anticipated by Minde et al (US Patent No. 5,991,717).

3. Regarding claims 1, 11-12 and 15, Minde et al discloses  
an adaptive codebook in which previously synthesized excitation signals are stored; at  
col. 2, line 64 and col. 3, lines 33-38

a stochastic codebook in which a plurality of excitation vectors are stored, said stochastic codebook having a first subcodebook in which excitation vectors composed of a small number of pulses are stored and a second subcodebook in which excitation vectors composed of a large number of pulses are stored; at col. 7, lines 3-12

obtaining a synthesized speech using excitation information acquired from said adaptive codebook and said stochastic codebook, using LPC obtained by performing LPC analysis on an input speech signal; at col. 2, line 65

obtaining gain information for said synthesized speech using a relation of said synthesized speech and said input speech signal; at col. 3, lines 6-25

transmitting said LPC, said excitation information and said gain information and a corresponding decoding apparatus, as inherent in the speech coder.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-10, 13-14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minde et al in view of Zinser (US Patent No. 5,060,269).

6. Regarding claims 2-10, 13-14, 16-17, Minde teaches

an adaptive codebook in which previously synthesized excitation signals are stored; at col. 2, line 64 and col. 3, lines 33-38

a stochastic codebook in which a plurality of excitation vectors are stored, said stochastic codebook having a first subcodebook in which excitation vectors composed of a small number of pulses are stored and a second subcodebook in which excitation vectors composed of a large number of pulses are stored; at col. 7, lines 3-12

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obtaining a synthesized speech using excitation information acquired from said adaptive codebook and said stochastic codebook, using LPC obtained by performing LPC analysis on an input speech signal; at col. 2, line 65

obtaining gain information for said synthesized speech using a relation of said synthesized speech and said input speech signal; at col. 3, lines 6-25

transmitting said LPC, said excitation information and said gain information, as inherent in the speech coder.

Minde et al do not specifically teach executing a voice/unvoiced judgment or calculating the gain of the stochastic codebook to account for the difference in the number of pulses in the codebooks.

Refer to Zinser who teaches a hybrid switched multi-pulse/stochastic speech coding technique, which makes a voice/unvoiced judgment and implements a modified method for calculating the gain during stochastic excitation (abstract), for the purpose of improving unvoiced speech performance in low-rate coders.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Minde et al to implement voice/unvoiced judgments and modified method for calculating the gain during stochastic excitation, as taught by Zinser, for the purpose of improving unvoiced speech performance in low-rate coders.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

AAA  
June 28, 2002



TĀIVALDIS IVARS SMITS  
PRIMARY EXAMINER